ARRIVE AT NEW YORK 5.50 PM

OUR SCHOOL TRUSTEES. Were they Elected? 6. M. MCKEN ESQ. -TRUSTEE AND

DEAR Sin: - You have reminded me the fact that the County Superintendlevelly elected, but were appointed by

him, for one year only, and as one of the trustees you ask my opinion thereon, having groums yours some time since. The question is certainly a very impertant due, and deserving of our serious consideration, for if elected, the trustees have the right to hold the office to the end of their respective terms, and no action electing or appointing other

office from each previous year." And by the 5th section of this Act, it a provided 'that if the present number district, by a majority wote at an annual

This change was made at the last anpual meeting, and six were elected. From all the tote on the subject, I in- Now I may seem to be both sensitive voter was not present through want of fer that they were to be classified as fol- and severe, but I appeal to any honest notice, for they appeared to have come lows, wiz. Two for three years-two and fair-minded man if the circumstanfor two years two for one year. This cas do not warrant my stating them as understood. No evil resulted from the seems a very wise and judicious ar- they existed, and expressing the reasonrangement intended by the Legislature able doubt in my mind whether the to keep some experienced trustees in County Superintendent's opinion as to of ice all the time. But this arrange- the legal question would have been ment is all discoveraged this year, or may given if the other party, his party, had be next, by this course of the Superin- succeeded in electing their ticket?

flow, of these six tractors elected, five only qualified, and as the term of office my same to be put again in nomina- acts are permissive; more liberally con- act of the Legislature he has certain

16 h of Jone, by putting up posters ten it is used in connection with public or ings null and void. the great furne and weight in these rea to mean "may," and is simply directory, field was not the essence of the statute, the statute, to mean "may," and is simply directory, field was not the essence of the statute, sors, but there are some peculiar cir- when it does not interfere with public or which is merely directory—that the our astances in the case, which should be private rights, in giving it that construe original notice was sufficient, for it is not allated, and which certainly have a tion.

tenders is correct, then either the most tinction should be observed between packed. The annual meeting was in cases where certain acts to be done are fact held at the time directed, and was trickery and dishonesty, were exhibited at of the essence of the thing required to be publicly adjourned till the 16th, when

perative, and things which are not of the section might be considered to have directory, and this is one of the criterions by which we are to determine whether the requisition is directory or such heards of education, shall be held on the first Monday in June, of each and Now in this election of trustees, the establishment of the criterion was completed. The original notice of the description of trustees, the establishment of the description of the criterions by which we are to determine whether the requisition is directory or imperative."

Now in this election of trustees, the establishment of the description of trustees, the establishment of the description of the directory or imperative.

Now in this election of trustees, the establishment of the description of the directory or imperative. every year the terms of service of those then ejected to begin the first Monday

I I seem to exhibit any ebullition of in-

after considerable discussion carried, was directory."

TATLOR & WILLIAMS,
that the meeting stand adjourned for In Wheeler vs The City of Chicago, 24, 157 Market St., 578; shoe store above Broad

two weeks-to the 16th of June, to meet Ill. R. p 105, the statute applicable to at the same bour and place. The County the case read as follows : "When comd at that a mejurity were in favor of the after the 40 days had expired. The

On the evening of the 16th of June, was directory, then it was valid,

were elected, and the result appounded, wherenpon the County Superintendent, (who had doubtless voted for the de feated candidates) then and there arose and under the excitement of the moment and defeat of his party, publicly annonneed, that the election just held was llegal and void, and that he should have to appoint the trustees !

These are the facts, and we concede hat no new notices of this meeting were posted, and also coucede that the election terminated on the 16th of June. We might well ask here-Why was

hat the County Superintendent, and the old trustees who had the statute in their hands, did not notify the voters at the making the assessment afterwards. at least should have been.

Legislature, approved April 5th, 1878, they might have read the law and ex- In the case The People, ex. rel. Smith toes elected ander the General School of it) did they not announce, at the com- Court held "that an election of the trus-How shall govern, so that at least two mencement of the meeting, that the tees of a church is good, although the remembers of the board shall remain in proceedings would be illegal, and the quirements of the statute in respect to Superintendent was aware that the whole of trustees may be such as to embarrass proceedings were illegal and void ab a proper chapification of the term of initio, did he take part therein? That service of the members of the board, it he was aware of this, or at least believed it was illegal, is evident from the fact misefing the make any change as may be that he gave his opinion thereon, and tion for the benefit of the churches. The desirable, provided that by such change declared the whole proceedings void the object of the notice is, that the voters may same evening, and directly after the . be fully appraised of the election, and nonneement of the defeat of his own friends and party.

Are the views of the County Superinof one will expire, faces will be in any tendent correct? Was the election bull dent the people had knowledge thereof, event, at least two new trustees to be and void by a non-compliance with the although required by statute, and that elected at the next annual meeting. I requirements of the statute, as alleged the will of the people were not to be disand not personally interested in this by him? We maintain that all the pro- regarded by mere technicalities." pr. as you are aware that I se ceedings were legal and raid. Stat A strong point might be raised, based ged from choice, the short term of one utes," or "Acts of the Legislature," are upon the old legal maxim, facit per alium, year. And permit me to say just here, either mandatory or directory. Manda- facit per se. The County Superintendistinctly and emphatically, that under tory acts are imperative, and there must dent is, or at least might, be considered an no circumstances will I serve in this ca- be a strict, literal compliance therewith, agent of the State. He is appointed by pacity longer than that time, or permit and all emissions are fatal. Directory the Board of Education, by virtue of an

done by the act, in which case it is im-

Less cleated to begin the first Monday that was mandatory or imperative. The legal and valid, the requirements of the time when it was to be done, was not the law having been substantially if not technically review the facts, and I I come to exhibit any could be and consequently was merely directly review the facts, and I I come to exhibit any could be and consequently was merely directly review the facts, and I many instances the precise rectory. In many instances the precise rectory. time is not the essence, as in the case of Rex vs Sparrow, 2 Strange R., 123, in which it was held by the Court "that We Sell the Goods We Advert though the Justices had been guilty of neglect in not appointing Overseers of the Poor within the time specified by the first store above Broad.

Superintendent was present, participated pleted, the commissioners shall sign and in the proceedings, and voted, as I return the same to the common council nuderstand, for the adjournment. There within 40 days after their appointment. were two parties present, and it was evi- The return was not made till many days Court said, "If the statute as to the time

the room was again packed, and great did the legislature intend? Did they ininterest was manifested in the proceed- tend it simply to be directory, or imperings. As you well know, I was not pre- ative? The word may is construed to seut, and took no part in these prelimi- mean 'shall' wherever the rights of the nary skirmishes, but I have the facts public or third person depend upon the rom reliable sources, and you know exercise of the power or the performance whether or not they are true. The meet- of the duty to which it refers, and so on ing was called to order by the chairman the other hand the word 'shall' may be elected at the previous meeting, and held to be merely directory, when no continued as previously organized. The advantage is lost; when no right is des-County Superintendent was then, and troyed; when no benefit is sacrificed, there present and took part in the elec- either to the public or a private individtion proceedings. He made no objection unl by giving it that construction. If on the ground of the illegality of the pro- any right to anyone depends upon giving credings. On the contrary, he person- the word an imperative construction, the ally offered a resolution "that four tel- presumption is that the word was used lers be appointed by the chairman, to in reference to such right or benefit receive the ballots as offered, and that But where no right or benefit to any one the secretary record the names of the depends upon the imperative use of the word, it may be held to be directory The present trustees, with one other, merely. It is clearly evident that it was not the intention of the legislature to make the time specified indispensible to the validity of the proceedings."

Lord Mansfield, Burr, p 447, says there is a known distinction between of the the thing required to be done by an Act of Parliament, and clauses merely directory, and the precise time in many cases, are not of the essence."

In Pond vs Negus and others, 3 Mass. B, 230, the Court say : "Although by statute the assessors are directed to assess ZRENJAMIN J. MAYO the tax for the building of a school house within 30 days after the certificate, yet there is nothing to restrain them from first meeting, that the election must take didents might occur which would defeat place on that day? They were well the authority if it could not be exercised NEWARK SAVINGS INSTITUTION. posted as to the time of the election, after thirty days. The naming the time and the requirements of the statute, or for the assessment must therefore be considered as directory to the assessors, Why, after two weeks time, (in which and not as limiting their authority."

amined the subject if they were ignerant vs Peck, 11 Wend. N. Y. B., p 605, the election void? Why, if the County the notice of such an election have not been complied with, provided the election was fairly conducted."

In The People vs Rankel, 9 Johns R 158, the Court said : "We must give the statute a reasonable and liberal construction for the benefit of the churches. The may attend and exercise their rights. There is no pretense in this case that any omission of the notice, if there was any evil-po fraud was imputed and all parties attended and thereby admitted no-

It is the late opinion of the Judges of the Superior Court of Maine, respecting the recognition of the republican legislature, "that notices were not necessary to be given in certain cases when it was evi-

strued, and do not always require a official powers conferred upon him in But coming sack to the main question. Strict, literal compliance therewith. In the county, and may perhaps waive any tion. Were we legally elected? The the interpretation of a law the reason of unimportant irregularities as other offi-County Superintendent says not : 1st. the law, the purpose provided for, and cers sometimes do. His acts were a dion the 2ad of June, the time fixed by should all be considered. The word objection to time, or of any other irregustatute. 2nd: Because an legal notice "may" in a statute, for instance, is fre larities whatever, and he certainly is the was given of the meeting held on the quently construed to mean "shall," when last man who can declare the proceed-

pretended that any one was deprived of to bearing upon its moret, if not its In Smith's Commentaries on statutory his rights thereby, but on the contrary Ranges, Cook and Parlor Stoves, and constitutional constructions, page was widely and generally known, as If the openion of the County Superin- 792, Sec. 679, the author says : "A dis- evinced by the room being densely the election took place. In other words, The Let under which this election perative, and things which are not of the the time was confinued and extended

the Poor within the time specified by the statute, yet they might be compelled to discharge that duty subsequently, and it would be valid, for the time was not the essence."

In Holtys Even, 12 Cong R. p 243, the shoes only 52 this end and half French heel, only 82; Ladies' Glazed Morocco Button Boot, box toe and French heel, only 82; Misses' Pebble Morocco Button Boot, for school were SLD: Children shoes only 50 cts; Roys' Gaters, 81.25 and \$1.50; Gents all widths, only 83, worth \$450; Gents all widths, only 83, worth \$450; Gents all widths, only 83, strong and the Court held that it was valid to select the preliminary business, it was moved, and part of the duty which was imposed to select the preliminary business, it was moved, and place of the angle of the process of the preliminary business, it was moved, and place of the process of the duty which was imposed to select the large was directory."

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VOL VIII

Before the Ele To the great majority bracing both those who and voted and those w the attendant circumstar cent Township election of There was less excitomen before the day than There are some who think haps with a tinge of iron the restit, that even trouble and expense mei primary meetings might with, since one citizen by determining who shall be nated and elected at Tow

Bloomfield. With a view of throwin light upon the quiet caus pary to the late election tained from reliable nour

pertaining thereto. REPUBLICAN CAU A meeting of Republic held in Cohen's Hotel on ming, March 4th, at which agreed to support at the r meeting, to be held the the following men as can Chosen Freeholders, Wi and Thomas McGowan. Committee, Thomas E. J. Oakes, Lewis Cockefair.

mus and Stanford Farrance At the primary meeting, held, the usual black tinke with names printed in, we as people assembled. It w to the surprise of some, the the previous evening had since in the printed list the C. Besch displaced that mus for Freebolder, and J. that of T. E. Hayes for Tow After some consultation at Chas. M. Davis was elected Candidates were then a course of which James A. rupted the proceedings, and that a "Greenbacker" had moved that all such be the list, The Chairman would see that the order The votes of the meeting we collected, telters appoint work of countley began, was annunneed by Mr. Rel. screased in numbers to ab

So-CALLED DEMOGRATIC A political bear garden Priondship Hall on Saturda which a ticket was nominabinspiration, apparently, of without doubt under the med one or more Republican lead the scenes." This was svide fact that the political inwar affair was to divide the Du factions and prevent the r-Peter S. Cadmus to the Town and William Colomns as Frui respectable Democrats deck : part in the promedings. The was concocted then and ther tened the "Citizens" Ticket worked at the polls by such a be kired to do so, and the elexpenses needed paid for, bility, out of the general

OTHER CADCUSSIN A few members of the Gre Democratic parties met o night in Carl's building. A mittee of ten agreed upon a porting H. B. Robinson McGowan for Freeholden Town Committee, schooled ties, Philip Weaver as the Wm. B. Hell for Justice Halin for Township Clerk. printed by virtue of this were slike as to candidates, respectively "Anti Ring" as

Beaten, but not Congr The political animosity by Freeholder Cadmus and "Bor originated several years ago fusal of Cadmus to use his ! favor of some favorite of Hed pointment at the Court Ho demanded the taking of M political scalp, and now the " succeeded. Two years ago he "returning board" tagties in t meeting. The Republican the trick had been cluons and they turned on the Ri sected Mr. Cadmus, Los was also re-elected. This nomination was again previous trickery. In saying this we reflection upon Mr. Beach po Gowap, Two more hone could not be chosen in the toy the office. But the facts which lay before the people are simp The "combination" of McGo Beach was obviously hatched off William Cadmas. The nation was sprung upon the H primary mosting last Priday a word, the man who tune the chines" in this town roled Co. other anti-ring men out by both the Republican and D primary meetings. It is repo